

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

**IDS PROPERTY AND CASUALTY
INSURANCE COMPANY,**

Plaintiff,

V.

CHARLES H. FELLOWS,

Defendant.

C15-2031 TSZ

MINUTE ORDER

The following Minute Order is made by direction of the Court, the Honorable Thomas S. Zilly, United States District Judge:

(1) Defendant Charles H. Fellows's motion for attorney fees and costs, docket no. 206, is RENOTED to May 19, 2017. By Monday, May 8, 2017, defendant shall file a supplemental brief, not to exceed five (5) pages in length, addressing whether defendant's trial attorneys are limited in their recovery from defendant to the greater of the contingency fee or statutory fee. See Hamner v. Rios, 769 F.2d 1404 (9th Cir. 1985); Sullivan v. Crown Paper Board Co., 719 F.2d 667 (3d Cir. 1983); Wheatley v. Ford, 679 F.2d 1037 (2d Cir. 1982); see also Venegas v. Skaggs, 867 F.2d 527 (9th Cir. 1989). A copy of the contingency-fee agreement between defendant and Keller Rohrback L.L.P. shall be attached to such supplemental brief.

(2) Plaintiff IDS Property and Casualty Insurance Company's consolidated response to defendant's motion for attorney fees and costs and the supplemental brief required in Paragraph 1 is due on May 15, 2017. Plaintiff's motion for extension of time, docket no. 216, is STRICKEN as moot.

(3) Plaintiff's motion, docket no. 219, for leave to file an overlength brief in response to defendant's motion for attorney fees and costs is GRANTED as follows. Plaintiff's consolidated response shall not exceed twenty-four (24) pages. Defendant's reply shall not exceed twelve (12) pages and shall be filed by the new noting date.

(4) The Clerk is directed to send a copy of this Minute Order to all counsel of record.

5 Dated this 28th day of April, 2017.

William M. McCool

Clerk

s/Karen Dews

Deputy Clerk